

REMARKS

Claims 22-24, 26-46, 48-51, and 53-60 are pending in the application. Independent claims 22, 41, and 46 have been amended to recite an "actuating mechanism," and dependent claims 29, 37, and 44 have been amended to provide proper antecedence. In particular, independent claim 22 has been amended to incorporate the subject matter of claim 25, which has been canceled without prejudice. Independent claim 41 has been amended to overcome the rejection under 35 USC 112, first paragraph, and to recite an actuating mechanism in the same manner as independent claim 22. Independent claim 46 has been amended to incorporate the subject matter of claim 47, which has been canceled without prejudice. Additionally, claim 52 has been canceled without prejudice, thereby obviating the rejections under 35 USC 112, first and second paragraphs. New claims 55-60 have been added. The amendments and new claims are fully supported by the application as originally filed (see, e.g., specification at page 9, lines 8-22; page 10, lines 3-11; and page 13, lines 4-12).

Claims 41-45 and 52 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Independent claim 41 has been amended to delete the phrase "substantially parallel to the central axis of the finishing machine." It is believed that the amendment to claim 41 overcomes the rejection under 35 USC 112, first paragraph.

Claim 52 has been canceled without prejudice, thereby obviating the rejections under 35 USC 112, first and second paragraphs.

As amended, independent claim 22 recites a finishing machine for finishing a work surface, which includes a frame; a plurality of finishing units supported by the frame, each of the finishing units being tiltable relative to the frame; and an actuating mechanism for tiltably adjusting a position of at least one finishing unit relative to the frame to a transport position, where "the finishing units including at least a first finishing unit tiltable about an axis that is substantially perpendicular to a central axis of the finishing machine, and a second finishing unit

tiltable about an axis that is substantially parallel to the central axis of the finishing machine." Independent claim 41 has been amended in a similar manner.

As amended, independent claim 46 recites a method for finishing a work surface, which includes providing a frame with at least two finishing units, including "at least a first finishing unit tiltable about an axis that is substantially perpendicular to a central axis of the finishing machine, and a second finishing unit tiltable about an axis that is substantially parallel to the central axis of the finishing machine; providing a plurality of working discs rotatably mounted on each of the finishing units; positioning the finishing units such that the working discs substantially engage the work surface; and tiltable adjusting the finishing units such that the working discs are substantially out of engagement with the work surface."

New independent claim 55 recites a finishing machine for finishing a work surface, which includes "a frame; a plurality of finishing units supported by the frame, each of the finishing units configured to be tilted relative to the frame; and the finishing units including at least a first finishing unit tiltable about an axis that is substantially perpendicular to a central axis of the finishing machine, a second finishing unit tiltable about a second axis, and a third finishing unit tiltable about a third axis, the second and third axes forming an acute angle with respect to each other." See, e.g., specification at page 13, lines 4-12.

Claims 22-40, 46-51, and 53 were rejected under 35 USC 102(e) as being "clearly anticipated" by U.S. Patent 7,261,623 to Palushi. Claims 41-43 and 45 were rejected under 35 USC 103(a) as being unpatentable over Palushi. Claims 29, 44, 52, and 54 also were rejected over prior art including the Palushi reference. These rejections are respectfully traversed.

Regarding the rejections of independent claims 22, 41, and 46 over Palushi, the Palushi reference does not teach or suggest a finishing machine or a method for finishing a work surface in which at least first and second finishing units are configured to be tilted relative to a frame, and an actuating mechanism tiltable adjusts a position of at least one of the finishing units relative to the frame to a transport position (independent claims 22 and 41), or a step of "tiltable

adjusting the finishing units such that the working discs are substantially out of engagement with the work surface"(independent claim 46).

On page 3, last paragraph of the Office Action of 02/17/2009, FIGS. 29-34 and column 12, line 5 to column 14, line 51 of Palushi were cited as allegedly corresponding to the Applicant's claimed invention.

Referring to FIGS. 29-34 and column 12, line 5 to column 14, line 51 of Palushi, a finisher includes a plurality of floor finishing units 420 that can be "upwardly and downwardly displaceable" relative to a main frame 414, where each floor finishing unit 420 is pivotable about a cap screw 458 (see, e.g., column 13, lines 32-37; and FIGS. 33-34 of Palushi).

However, there is no teaching or suggestion in Palushi of an **actuating mechanism** for tiltably adjusting a position of one of the floor finishing units 420 of Palushi to a "transport position" (e.g., out of a working position), or a step of tiltably adjusting one of the floor finishing units 420 of Palushi such that working discs are "out of engagement with the work surface" as claimed.

In Palushi, the tilting action permitted by connection between the floor finishing unit 420 and the cap screw 458 is used to compensate for "uneven surfaces" (see, e.g., column 13, lines 39-42 of Palushi), but there is no teaching or suggestion that the floor finishing units 420 can be tiltably adjusted to a "transport position" (e.g., out of a working position) as claimed.

Regarding new independent claim 55, the Palushi reference does not teach or suggest that second and third finishing units have axes "forming an acute angle with respect to each other."

For at least the reasons discussed above, the Palushi reference does not anticipate or otherwise render obvious the Applicant's claimed invention. Therefore, independent claims 22, 41, 46, and 55 and their respective dependent claims are patentable over Palushi.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

/Steven M. Jensen/

Date: May 18, 2009

Steven M. Jensen
(Reg. No. 42,693)
Edwards Angell Palmer & Dodge
P.O. Box 55874
Boston, MA 02205

Phone: (617) 239-0100

Customer No. 21874